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Wolfgang Nickl*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CITY OF GRAND RAPIDS GENERAL
RETIREMENT SYSTEM et al.,

Plaintiffs,

vs.

BAYER AKTIENGESELLSCHAFT, et al.,

Defendants.

Case No: 3:20-cv-04737-RS

CLASS ACTION

**JOINT STIPULATION AND
ORDER REGARDING
DEADLINES FOR FILING CLASS
ACTION COMPLAINT AND
RESPONSES THERETO**

Ctrm: 3 – 17th Floor
Judge: Richard Seeborg

Pursuant to Civil Local Rule 7-12, Lead Plaintiff Sheet Metal Workers National Pension Fund and International Brotherhood of Teamsters Local No. 710 Pension Fund and Defendants Bayer Aktiengesellschaft, Werner Baumann, Werner Wenning, Liam Condon, Johannes Dietsch, and Wolfgang Nickl (“Defendants,” and together with Lead Plaintiff, the “Parties”), by and through their undersigned counsel, submit the following stipulation and proposed scheduling order.

WHEREAS, on July 15, 2020, a putative class action complaint was filed by City of Grand Rapids General Retirement System and City of Grand Rapids Police & Fire Retirement System (“Grand Rapids Funds”) against Defendants alleging violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5, promulgated thereunder (ECF No. 1);

WHEREAS, on August 7, 2020, before the appointment of Lead Plaintiff and Lead Counsel, counsel to the Grand Rapids Funds and Defendants filed a stipulation and proposed scheduling order governing the schedule for the Court-appointed lead plaintiff to file an amended or consolidated complaint (“Amended Complaint”) (ECF No. 8);

WHEREAS, on August 7, 2020, the Court granted this stipulation, which provided, *inter alia*, that: (1) “The Court-appointed lead plaintiff shall file the Amended Complaint no later than sixty (60) days after the date of entry of the Court’s order appointing a lead plaintiff”; (2) “Defendants shall answer or move to dismiss the Amended Complaint no later than sixty (60) days after the filing of the Amended Complaint”; (3) “If Defendants move to dismiss the Amended Complaint, the Court-appointed lead plaintiff shall file opposition papers no later than sixty (60) days after the filing of Defendants’ motion to dismiss”; (4) “Defendants’ reply in support of any motion to dismiss the Amended Complaint shall be filed no later than thirty (30) days after the filing of the Court-appointed lead plaintiff’s opposition to Defendants’ motion to dismiss” (ECF No. 9);

WHEREAS, on October 21, 2020, the Court appointed Sheet Metal Workers National Pension Fund and International Brotherhood of Teamsters Local No. 710 Pension Fund as Lead Plaintiff and approved Cohen Milstein Sellers & Toll PLLC as Lead Counsel and Berman Tabacco as Liaison Counsel on behalf of the class (ECF No. 44);

1 WHEREAS, Lead Plaintiff and Defendants have negotiated a proposed schedule that they
2 believe to be appropriate given the current circumstances surrounding COVID-19 and the upcoming
3 holidays;

4 WHEREAS, this proposed schedule amends the deadlines set out in the Court's August 7,
5 2020 order (ECF No. 9) only as to the timeframe for Lead Plaintiff to file the Amended Complaint.

6 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Lead
7 Plaintiff and Defendants, as follows:

8 1. Lead Plaintiff shall file the Amended Complaint no later than ninety (90) days after the
9 entry date (October 21, 2020) of the Court's order appointing a lead plaintiff;

10 2. Defendants shall respond to the Amended Complaint within sixty (60) days of the filing
11 of the Amended Complaint;

12 3. If Defendants move to dismiss the Amended Complaint, Lead Plaintiff shall file
13 opposition papers no later than 60 days after the filing of Defendants' motion to dismiss; and

14 4. Defendants shall file any reply brief in support of any motion to dismiss within 30 days
15 of the filing of the opposition brief.

16
17 Dated: November 30, 2020

BERMAN TABACCO

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CERTIFICATE PURSUANT TO LOCAL RULE 5-1(i)(3)


I, Nicole Lavallee, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

By: /s/ Nicole Lavallee
Nicole Lavallee

ORDER GRANTING STIPULATION

Pursuant to stipulation and for good cause shown, IT IS SO ORDERED.

Dated: December 2, 2020


HONORABLE RICHARD L. LEBORG
UNITED STATES DISTRICT JUDGE